

THE NEWS OF NORFOLK ON PAGES 2, 3, 5, 6 & 11.

COURT DECISIONS.

DIGESTED BY W. B. MARTIN.
EXCLUSIVELY FOR
VIRGINIAN-PILOT.

Notes of Cases Recently Decided,
Which are of Interest to
Our People.

CARTER V. NATIONAL BANK.

Supreme Court of Georgia.
January 27, 1900.

THE FORECLOSURE OF A MORTGAGE WILL NOT BE STAYED ON THE GROUND THAT THE MORTGAGOR WAS A BANKRUPT AND HAD NOT BEEN DISCHARGED.

This was an action to foreclose a mortgage. The point decided will appear from the decision of the court.

The court says: At the return term of the rule nisi the defendant amended his plea, and averred that since it was filed, and during the pendency of the proceedings to foreclose the mortgage, he had been adjudicated a bankrupt, the adjudication having been made on January 14, 1899, and he prays that the proceedings to foreclose the mortgage may be stayed as provided in the bankruptcy act of 1898. He further alleged that no trustee had been appointed, and no meeting of his creditors held. This plea was demurred to, and the demurrer was sustained, and the plea stricken, and he executed. It will be noted that the mortgage was executed about six years before the plaintiff in error was adjudicated a bankrupt, and also that no question arose in relation to the validity of the debt, nor the proper execution and record of the mortgage which was given to secure it. Section 11 of the bankruptcy act approved July 1, 1898, declares that: "A suit which is founded upon a claim from which a discharge would be a release, and which is pending against a person at the time of the filing a petition against him, shall be stayed until after an adjudication or the dismissal of the petition. If such person is adjudicated a bankrupt, such action may be further stayed until twelve months after the date of such adjudication, or, if within that time, such person applies for a discharge, then until the question of such discharge is determined." It appears from this provision that a stay of a pending suit against the person adjudged a bankrupt will, in any event, only be granted when such suit is founded on a claim from which a discharge in bankruptcy would be a release. Assuming that the mortgage was regular, and created a valid lien on the property of the bankrupt under the provisions of the bankruptcy act, the mortgagee became a preferred creditor of the bankrupt. It must be evident that it was the intention of congress in the enactment of the bankruptcy law to permit a legally secured creditor to hold to his security, and that its value should be appropriated to his claim. In preference to general creditors. Now, if a suit against a bankrupt can only be stayed when it is founded upon a claim from which a discharge would be a release, and a preferred creditor is not allowed, unless he surrenders his preference, to prove his entire claim, but proof of his debt otherwise can only be made in the amount which his debt exceeds the value of the securities, it would seem to follow that there should be no stay of a proceeding which does not seek a general or personal judgment against the bankrupt, but is only instituted to foreclose and establish his lien on property, which, in no event, unless he surrenders his lien, can be applied to any other debt.

But there is another view of the question, under which we link this court is committed to the doctrine that the state court has jurisdiction to foreclose a mortgage after the mortgagor has been adjudicated a bankrupt under such provisions of law as are found in the act of 1898. So far as the rights of preferred creditors are concerned, there seems to us to be but little difference between the act of 1898 and that of 1897. Under section 5075 of the Revised Statutes of the United States, which was compiled from the last-mentioned act, it is provided that a creditor who has a mortgage or pledge of real or personal property made by the bankrupt for the purpose of securing a debt shall be admitted only as a creditor for the balance of the debt after deducting the value of the property, and, as in the present act, there is a provision that this value may be ascertained by agreement, and also that the creditor might release or convey his claim to the assignee, and be permitted to prove his whole debt. Practically, the provisions of the two acts in this regard are the same. Under the act of 1867 in the case of Toler v. Passmore, where, pending a proceeding to foreclose a mortgage on real estate, a plea was interposed that the mortgagor had been adjudicated a bankrupt, and a motion made to continue the case to await the discharge in bankruptcy, this court held that the motion to continue was properly overruled, because the discharge when had would not effect the mortgage lien; and a similar ruling was made in Brady v. Brady, and in the case of Broach v. Powell. It was held that the fact that mortgaged property is subject to be administered in bankruptcy did not entitle the mortgagor to resist the administration of it by foreclosure and sale under proceedings in the appropriate court of this state. Affirmed.

ECKER V. LINDSKOG.

Supreme Court of South Dakota.
January 24, 1900.

THE WIFE MAY SELECT THE PROPERTY EXEMPT FROM LEVY WHEN THE HUSBAND IS INSANE, THOUGH THE GREATER PORTION THEREOF IS HIS PROPERTY.

The point decided appears from the opinion of the court.

The court says: The constitutional declaration is that to all heads of families a reasonable amount of personal property, the kind and value of which is to be fixed by the general law, shall be exempt; and the plain intent of the law is to preserve such property, to the value of \$750, for the benefit of the family, to be selected by the head of the family, or by his agent or attorney, as additional exemptions. When, therefore, by reason of the insanity or other infirmity of the

husband, the wife becomes the head of the family, the interest of its members in personal property rightfully in her possession, to the value of that involved in this suit, is sufficient to authorize the wife to select the same under claim of ownership, although the greater portion thereof may really belong to her husband. To effectuate the purpose of statutes enacted for the protection of families against want occasioned by the forced sale of exempt property, a liberal rule of construction should be invoked by which the wife and mother, when the head of the family, may claim exemptions, within the statutory limitation, out of her own and her husband's property, or the separate property of either, without specific allegation as to which the different articles belong. Affirmed.

LOCAL LABOR NOTES.

At a meeting of Central Labor Union held last night with President Curtis in the chair, addresses were delivered by Chief of Police Kizer and Hon. M. J. Lyons. The chief informed the union that the law requiring the proprietors of stores to provide chairs for female clerks was being enforced.

Mr. Lyons spoke on the Employers' Liability Bill and the Constitutional Convention. Credentials were received from the carpenters and joiners of Portsmouth, and the United Brewer Workers' of Norfolk. The Labor Day parade may be said to be assured, as all unions are strongly in favor of it.

After brief remarks on labor by several members, the union adjourned. The Federal Labor Union of Brambleton will meet at 8 o'clock.

LOCAL LABOR NOTES.

Mr. L. V. Curtis, president of the Norfolk Central Labor Union, returned Friday night from Richmond, where he was in attendance at several meetings of the workmen.

Labor Commissioner James B. Doherty, of Richmond, will be in Norfolk to-morrow on a mission connected with labor matters.

The local union of the National Alliance of Theatrical Employees will meet to-day at the Academy of Music. The membership of this union continues to increase, and it is probable that a number of members will be received from Newport News and other nearby points.

Mr. L. V. Curtis, of Norfolk, and Mr. George P. Hands, of Norfolk, Conn., who is now at Richmond, representing the United Hatters of North America, called on Governor Tyler Friday, and also on Labor Commissioner James B. Doherty. They were given a cordial reception by both officials.

Norfolk Carpenters' Union held a large and enthusiastic meeting at Central Labor Union Hall Friday night. After routine business and the arrival of guests, Captain W. W. Dey, upon invitation, delivered an address, meeting with a most enthusiastic reception. Captain Dey took for his subject the object and purposes of labor organizations, going into the great benefits to be obtained from organization and concert of action in every walk of life. Capital had long since learned to protect itself by corporate, instead of individual operation, and it stood to reason that labor could effect more in fighting troubles within and without by a definite object, purpose and intention as exemplified by the carpenters and like unions, than by individual effort.

Elks Elect Officers.

At a meeting of Norfolk Lodge No. 38, B. P. O. Elks, Sunday afternoon the following officers were elected: Fred. C. Chisnell, exalted ruler; W. H. Venable, esteemed leading knight; W. H. Sargeant, Jr., esteemed lecturing knight; R. A. McFarland, esteemed loyal knight; W. B. Langley, secretary; W. W. Dey, treasurer; E. R. Joyner, trustee for three years; T. A. Wright, iller; A. A. O'Neill, representative to Grand Lodge, which convenes in Atlantic City, N. J., the second Monday in July; A. P. Jones, alternate. The newly elected officers of the local lodge will be installed next Sunday.

Finance Committee Meeting.

The Finance Committee of the Councils held a meeting last night, at which several real estate agents appeared and asked for a reduction in their license tax. These gentlemen stated that some persons doing a real estate business are evading the tax of \$100. They want the law strictly enforced, so that the burden will be borne by all equally, and want the committee to recommend that the license be reduced.

The Best Prescription for Chills

And Fever is a bottle of GROVE'S TASTELESS CHILL TONIC. The formula is plainly printed on each package. It is simply Iron and Quinine in a tasteless form and is compounded in correct proportions. The reason imitators do not advertise their formula is because they know you would not buy their medicine if you knew its ingredients. Grove's is the original, and is the only chill and fever remedy sold throughout the entire malarial section of the United States. No cure, no pay. Price 50c.

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Easter is drawing nearer every day. You should consult Rudolphi & Wallace about the proper suit for the day.

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LITERARY NOTES.

Gossip Concerning the New Books.

A LOVELY THOUGHT.

Fluttered near a lovely thought;
It set my heart a-swinging.
Out I reached: 't would not be caught,
Yet still I hear it singing.
What it says I cannot tell;
Than thought there's nothing sweeter.
Off it flew, but knew I well
That only love is sweeter.
—John Vance Cheney, in the Atlantic.

George Bernard Shaw's new book, the third volume of "Plays Pleasant and Unpleasant," will contain among other things the delicate piece of character study which Mr. Richard Mansfield has made popular in America, "The Devil's Disciple."

The fifth volume of Prof. J. B. McMaster's "History of the People of the United States," which is to be issued in the near future, covers a period of our history between 1812 and 1850, which in many phases has received but scant attention.

MY LADY'S HEART.

My Ladye is a gentle thing,
Her sympathies are quick and keen,
A tale of woe her heart will wring.
She would not wound a fly, I ween.
A kinder maid was never seen:
In cruel sports she takes no part—
Angelic are her look and mien—
My Ladye with the tender heart,
And yet grave charges I can bring
Of cruelty against my queen;
Her hat, so brave with breast and wing—
Her sealskin, with its silken sheen—
While lambs that never grazed the green
Died ere they lived to make her smart;
How can her eyes be so serene?
My Ladye with the tender heart,
And then her menu! (Oh, the sting
Of facts like these, which song de-mean!
Yet truth is truth.) She whom I sing
Dines well on dead things, fat and lean;
The market with its gory scene,
To her is like a hall of art.
Although her smile is infantine,
My Ladye with the tender heart.

ENVIO.
Diath, you are courtier to my queen;
That she may thrive you do your part,
Nor does her protest intervene—
My Ladye with the tender heart.
—Ella Wheeler Wilcox, in the Smart Set.

A book of great interest which will be published shortly is "Israel's Messianic Hope," a study in the historical development of the foreshadowings of the Christ in the Old Testament and beyond, by George S. Goodspeed, Ph.D., professor of comparative religion and ancient history, University of Chicago.

"A Friend of Cæsar" is the title of a historical novel by William Stearns Davis, which has just been issued. The story, the scene of which is laid in Rome, begins when Julius Cæsar is just rising into power, and ends with his great victory and the establishment of his empire.

MY BOOKS.

They dwell in the odor of camphor,
They stand in a Sherrin shrine.
They are "warranted early editions,"
These worshipful tomes of mine;

In their creamiest "Oxford vellum,"
In their redolent "crushed Levant,"
With their delicate watered linings,
They are jewels of price, I grant;

Blind-tooled and morocco-jointed,
They have the lord's daintiest dress.
They are graceful, attentive, polished,
But they gather the dust, no less;

For the row that I prize is yonder,
Away on the unglazed shelves,
The bulged and the bruised octavo,
The dear and the dummy twelves,

Montaigne with his sheep-skin blistered,
And Howell the horse of wear,
And the worn-dressed Jesuits—Horace,
And the little old cropped Mollers,

And the Burton I bought for a florin,
And the Rabelais foxed and flea'd—
For the others I never have opened,
For those are the books I read.

—AUSTIN DOBSON.

The "Bookman" has this to say of the egregious Kipling: "We feel confident in saying that we would not exchange 'The Man Who Would Be King' or 'The Drums of the Fore and Aft' for everything that he may in the future write. Mr. Kipling may go on as he has been doing, turning out and selling for good round sums meaningless fiction and insincere verse until he is accepted as the impotent mediocrity which his recent work would seem to stamp him. This is his probable course, and the result is inevitable. There is another course. He is still a young man—not yet 35. He has won for himself a comfortable fortune. His books should bring him annually handsome royalties for many years to come. Why should he not lay aside his pen for five or ten years, write not a line and get away entirely from the idea of 'copy'? Then at the end of this time, did he feel impelled to turn anew to the task of writing books, he might see a Kipling of 40 or 45 in some degree worthy of the Kipling of three or four and twenty."

BRITISH BATTLE SONG.

Storm along, John! Though you faltered at first,
Caught in an ambush, and held to the worst,
All the old Counties were hard on the spot,
For they hadn't a son but rejoiced in his lot.
You had only to cart 'em some thousand miles;
So you fell to your work with the calmest of smiles,
And, each with her battles, your ships you sent on
Till you beggared the record—Hill!
Storm along, John!

Storm along, John! Storm along, John!
Frenchman and Russian and Dutchman and Don
Know the sea's yours from the Coast to Canton!
Storm along, storm along, storm along, John!

Storm along, John! There was work to be done
With a foe in full blast ere you sighted a gun!

Came, the news came, that you reeled in the brunt,
And at home, by the Lord, it was "Who's for the front?"
And your whelps overseas, John—the whelps that you knew
For the native, original, pattern true blue—
O, your whelps wanted bleeding, they cried to come on
And—Hark to them chorusing—"Storm along, John!"

Storm along, John! Storm along, John!
Half the world's yours, and the rest may look on,
Mum, at the rip from Quebec to Ceylon
Storm along, storm along, storm along, John!

Storm along, John! All your Britons are out;
Melbourne and Sydney got up with a shout;
Wellington, Ottawa, Brisbane, their best
Send, with Cape Town, and the fighting Northwest.
Horses, men, guns for you! India's a-flame!
How the lads of Natal have been playing the game!
From Gib, to Vancouver, from Thames to Yukon,
The live air is loud with you—Storm along, John!

Storm along, John! Storm along, John!
Not in the best of the years that are gone
Has the star which is yours thus tremendously shone!
Storm along, storm along, storm along, John!

—W. E. HENLEY.

Of the many enthusiastic reviews of Mrs. Crowninshield's latest book, San Isidro, that which appeared in the New York Tribune is perhaps the most discriminating. It begins: "Mrs. Crowninshield's new novel is a study of relentless destiny working its cruel way through circumstances expressive on the surface of nothing but peace and happiness. Between the white planters and the women of mixed blood on her West Indian island there is amity, there is even love, until some woman of unimpeachable descent comes to sweep the easy-going lover off his feet and turn her predecessor into a rejected and despairing creature. One gathers from San Isidro that all this is common enough, but Mrs. Crowninshield has found in her Agueda, the heroine of the book, a woman who lifts the usually squalid experience to the plane of romantic tragedy." And the reviewer closes his notice with, "San Isidro is a capital romance, full of Southern color and emotion, and of a certain exotic attraction."

"THE OBSERVER."

The broad and patriotic Americanism of Cram's Magazine is as apparent as ever, in its issue for March. A portion of an address, "American Liberty," by Justice Harlan, of the United States Supreme Court, with a suggestive bit of narrative concerning that eminent exponent of sturdy patriotism, is an interesting case in point.

EVERYBODY'S MAGAZINE for April presents a very attractive appearance and its contents are of especial interest. The second article in the series, "Great American Industries," treats of the enormous steel works of the Carnegie Company, near Pittsburgh, Pa., and explains in a bright and interesting fashion in what manner this company will make this year's profits exceeding \$40,000,000. The short stories are especially good, particularly so is the "White Rose Mystery."

OTHER LOCAL ON PAGE 6

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Soft Serviceable Silks.

Foulard is the reigning style in silk this season. Extraordinary selling of this particular style proves the statement.

It makes the richest costumes imaginable!

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Their beauty will catch you at once and tempt you to buy.

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\$2.00 and \$1.50 Bike Pants for..... **75c**
\$2.75 and \$2.50 Bike Pants for..... **\$1.00**

BIKE SUITS.
\$6.00 Bike Suits for..... **\$2.85**
\$7.50 Bike Suits for..... **\$3.65**
\$9.00 Bike Suits for..... **\$4 15**

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REWARD!
Fifty (\$50.00) Dollars reward for the body of Richard Frank Warren, lost February 19, 1899, about eight (8) miles from Fisherman's Island.
DESCRIPTION: Height, about 6 feet; light sandy hair; light sandy beard; had on pair hip gum boots, a heavy coat, two pair pants; blue flannel shirt; had on a pair of red gloves; had between \$5.00 and \$10.00 in his pocket. Think he had a deed in his pocket for a piece of oyster ground on the seaside. The above reward will be paid on identification of the body by J. S. WARREN, Cape Charles, Va.

Dr. Anna Giering
Registered Physician
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